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OFFICE OF PETITIONS

Applicant: Kiik et al.
Appl. No.: 10/620,077
Filing Date: Jly 15, 2003
Title: FASTENER-FREE COMPOSITE ROOFING PRODUCT
Attorney Docket No.: 03137000003
Pub. No.: US 2004/0055240 A1
Pub. Date: March 25, 2004

This is in response to the request for correction of patent application publication under 37 CFR 1.221(b), which was received on May 18, 2004.

The request is DISMISSED.

The instant request is that the patent application publication be republished because the publication includes many errors such as misspelling the title “Fastener-Free Composite Roofing Product” as “Fastener-Free Composite Roofing Shingle,” misspelling “Tamko” as “Tainko” and listing “Dallas, TX”, not “Richardson, TX” for the first named inventor.

37 CFR 1.221(b) is applicable “only when the Office makes a material mistake which is apparent from Office records . . . This period is not extendable.” A material mistake must affect the public’s ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The title of the invention was improperly published as listed on the Application Data Sheet (ADS), which was later changed by the later filed declaration. The city for the first named inventor was properly published, as the later filed declaration has priority over the earlier filed ADS. With respect to the typographical error wherein, “Tamko” is misspelled as “Tainko”, this is a minor typographical as it is included in a long list of materials, which also includes the manufacturing information. The errors are minor typographical errors which are understandable from reading the sentence, paragraph and specification in which the terms are used, as terms are not read in a vacuum. The mistakes do not affect the public’s ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

upon issuance of a patent.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application in compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

Applicant should submit a supplemental ADS to change the city of the first named inventor.

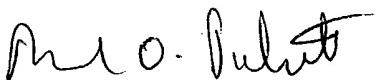
To avoid this type of problem in the future, applicant's representative should review the filing receipt and make a request for a corrected filing receipt using the facsimile number (703-746-9195) on the Filing Receipt.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system and questions should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: 703-872-9306

Inquires concerning this communication should be directed to Mark Polutta at (571) 272-7709.



Mark O. Polutta
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy